



POLICE DEPARTMENT

August 27, -2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Adrian Ramos
Tax Registry No. 940609
40 Precinct
Disciplinary Case No. 2011-6157

The above-named member of the Department appeared before me on April 22, 2014, charged with the following:

1. Said Police Officer Adrian Ramos, while assigned to the 40 Precinct, on or about and between June 1, 2010, and June 25, 2010, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer on two occasions requested assistance with the prevention of the processing and adjudication of two summonses issued to two individuals. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 PROHIBITED CONDUCT
GENERAL REGULATIONS

The Department was represented by Michelle Alleyne, Esq., Department Advocate's Office, and Respondent was represented by Marvyn M. Kornberg, Esq. Respondent, through his counsel, entered a plea of Guilty to the subject charge and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent, an eight-year member of the Department, is currently assigned to the 40 Precinct. During his tenure in the 40 Precinct, Respondent has made over 250 arrests. Probably over a hundred of these arrests were for felonies. He has never before been the subject of Department charges. He admitted to committing the misconduct of which he has been accused. Even though ticket fixing was a practice in which many members of the Department participated, he understood that what he did was wrong.

Respondent was offered a penalty of one year dismissal probation, five days suspension, and twenty-five vacation days. He claimed to know of several cases, however, where members of the service assigned to his precinct received command disciplines (CDs) for asking to take care of two summonses. He provided the names of these fellow officers: Detective Person A, Police Officer Person B, Police Officer Person C, and Police Officer Person D.

During cross-examination, Respondent confirmed that on June 1, 2010, he contacted his delegate Police Officer Person E about preventing the adjudication of a summons that had been issued to his cousin. On June 25, 2010, he again contacted Person E, this time about taking care of a summons that had been issued to his father-in-law.

When questioned about the cases where he said the officers received CDs, Respondent did not know if those cases were ever referred to the Department Advocate's Office. According to Respondent, everyone received CDs at the beginning of the ticket-fixing investigation. Respondent did not know exactly when those CDs were issued, and he admitted he had no idea whether the standard by which the Department now operates was in place when CDs were issued to his fellow officers.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on January 9, 2006. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has pled guilty to engaging in conduct prejudicial to the good order, efficiency, or discipline of the Department by assisting and/or requesting the assistance of other MOS to prevent the adjudication of two summonses issued to two individuals on two occasions. Specifically, Respondent admitted that on June 1, 2010, he contacted Person E about preventing the adjudication of a summons that was issued to his cousin, and on June 25, 2010, he again contacted Person E about taking care of a summons issued to his father-in-law.

The Advocate recommended that Respondent be suspended for five days and forfeit 25 vacation days, for a total forfeiture of 30 days, and that he serve one-year on dismissal probation. This is the established standard penalty that has been imposed by

the Police Commissioner where a MOS has assisted or requested the assistance of another MOS to prevent the processing and adjudication of two or more summonses.

In support of her recommendation, the Advocate cited cases as precedent. For example, in *Case No. 2012-6848* (March 26, 2014), an eleven-year police officer with no prior formal disciplinary record was punished with the above standard penalty for requesting help from other MOS on two separate occasions in quashing summonses issued to two individuals. In *Case No. 2011 5618* (Jan. 15, 2014), an eight-year police officer with no prior formal disciplinary record was punished with the above standard penalty for fixing traffic tickets on two occasions for two individuals.

Respondent's attorney argued that the penalty should be less than what the Advocate recommended. He asserted that Respondent was denied equal protection because other members of the Department who were "caught early" in fixing summonses received command disciplines, while officers involved later were not offered the same low penalty.

At trial, Respondent testified that he knew that Person A, Person B, Person C and Person D, all MOS assigned to his precinct, received CDs for the same misconduct. However, Respondent also admitted that he did not know whether those MOS were ever referred to the Advocate's Office for the misconduct, or when the CDs were issued, or whether the standard by which the Department now operates was in place when these CDs were issued.

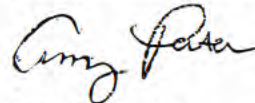
Respondent submitted no testimony or statements from the named officers and no documentation of the pleas and penalties he alleged that these other officers received.

Thus, there was insufficient evidence and no legal basis to support any equal protection claim.

Respondent has not presented sufficient justification to warrant a departure from the established standard penalty. In determining a penalty recommendation, the Court has also considered, along with the cases cited by the Advocate, the standard penalty approved by the Police Commissioner in a recent case where an officer engaged in similar misconduct. *Case No. 2011-5714* (July 18, 2014).

Therefore, it is recommended that Respondent be DISMISSED from the New York City Police Department; however, this penalty of dismissal will be held in abeyance pursuant to Section 14-115(d) of the NYC Administrative Code for a period of one-year, during which time Respondent will remain on the force at the Police Commissioner's discretion and may be terminated at any time without a further hearing. It is further recommended that Respondent be suspended for five days and that he forfeit 25 vacation days for a total forfeiture of 30 days.

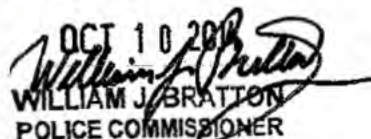
Respectfully submitted,



Amy J. Porter

Assistant Deputy Commissioner – Trials

APPROVED

OCT 10 2014

WILLIAM J. BRATTON
POLICE COMMISSIONER

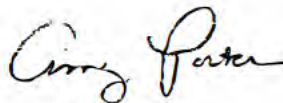
POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER ADRIAN RAMOS
TAX REGISTRY NO. 940609
DISCIPLINARY CASE NO. 2011-6157

Respondent received an overall rating of 4.5 “Extremely Competent/Highly Competent” on his last three annual performance evaluations. He has been awarded three medals for Excellent Police Duty and two medals for Meritorious Police Duty. [REDACTED]

[REDACTED]
[REDACTED] He has no prior formal disciplinary record.

For your consideration.



Amy J. Porter
Assistant Deputy Commissioner - Trials